

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7674

IN THE MATTER OF:

Served January 20, 2004

Application of NATIONAL COACH)
WORKS, INC. OF VIRGINIA, to)
Acquire Certificate No. 26 from)
NATIONAL COACH WORKS, INC., and)
to Acquire and Consolidate Assets)
from FRANKLIN MOTORCOACH, INC.,)
WMATC No. 6, and TOURTIME AMERICA)
MOTORCOACH, LTD., WMATC No. 250)

Case No. AP-2003-178

By application accepted for filing December 12, 2003, applicant, National Coach Works, Inc. of Virginia, a Virginia corporation, seeks Commission approval to acquire Certificate No. 26 from its sole shareholder, National Coach Works, Inc. Applicant also seeks Commission approval to acquire and consolidate the assets, principally motorcoaches, of two of applicant's affiliates, Franklin Motorcoach, Inc., and Tourtime America Motorcoach, Ltd., whose Certificates of Authority Nos. 6 and 250, respectively, were revoked recently for willful failure to comply with the Commission's insurance requirements.¹

All four carriers are controlled, directly or indirectly, by Frank M. Henry. The Commission has previously approved Mr. Henry's common control of these carriers and Gold Line, Inc., WMATC No. 14,² which is not a party to the transactions encompassed by this application.

Applicant proposes commencing operations with one minibus and fifty-seven motorcoaches. Applicant's proposed tariff contains transfer rates and hourly/mileage charter rates with minimum charges.

The Commission may approve the transfer of a certificate of authority and the acquisition and consolidation of carrier assets if the Commission finds the transfer and acquisition are consistent with the public interest.³ The public interest analysis focuses on the

¹ In re Tourtime America Motorcoach, Ltd., No. MP-03-70, Order No. 7385 (Sept. 9, 2003); In re Franklin Motorcoach, Inc., No. MP-03-67, Order No. 7375 (Aug. 27, 2003).

² In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd. & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996); In re Franklin Charter Bus, Inc., & Franklin Motorcoach, Inc., No. AP-95-02, Order No. 4509 (Mar. 1, 1995); In re Red Top Coach, Inc., & National Coach Works, Inc., No. AP-84-45, Order No. 2692 (Apr. 3, 1985).

³ Compact, tit. II, art. XI, § 11(a), art. XII, § 3.

acquiring party's fitness, the resulting competitive balance and the interests of affected employees.

This proceeding is hereby initiated to determine whether the proposed transfer of Certificate No. 26 and the acquisition and consolidation of carrier assets is consistent with the public interest.

Applicant will be directed to confirm that Franklin's and Tourtimes' names and WMATC numbers have been removed from the Franklin vehicles and Tourtime vehicles that are the subject of this application. Applicant also will be directed to return Certificate No. 26 to the Commission for reissue in applicant's name should this application be approved.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than February 3, 2004, notice in the form prescribed by the staff of the Commission.

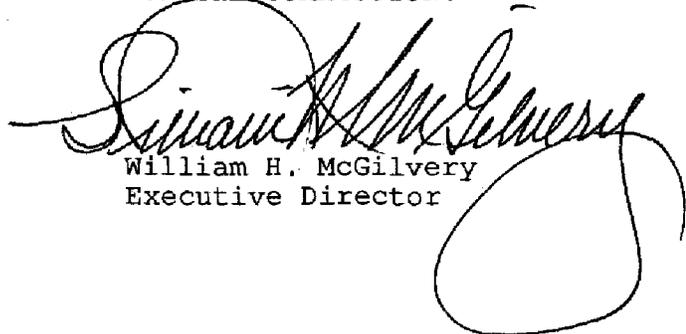
2. That applicant shall file with the Commission, no later than February 24, 2004, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than February 24, 2004, an original and four copies of a notarized affidavit verifying the removal of Regulation No. 61 markings from the revenue vehicles of Franklin Motorcoach, Inc., and Tourtime America Motorcoach, Ltd., and confirming when the markings were removed.

4. That applicant shall submit Certificate No. 26 to the Commission on or before February 24, 2004.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is February 24, 2004, and that copies must be served on applicant's general manager, Daniel Lipinski, 10411 Hall Industrial Drive, Fredericksburg, VA 22408.

FOR THE COMMISSION:



William H. McGilvery
Executive Director

⁴ Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at D.C. CODE ANN. § 9-1103.04 (2003)); Order No. 4926.